

MINUTES OF THE CANANDAIGUA CITY  
COUNCIL MEETING  
THURSDAY, SEPTEMBER 1, 2016 7:00 P.M.  
City Council Chambers  
City Website: canandaiguanewyork.gov

Mayor Polimeni called the meeting to order at 7:00 PM

**Pledge of Allegiance:**

**Roll Call:**

**Members Present:** Councilmember Ward 1 Nick Cutri  
Councilmember Ward 2 Anita Twitchell  
Councilmember Ward 4 Cindy Wade  
Councilmember-at-Large James Terwilliger  
Councilmember-at-Large David Whitcomb  
Mayor Ellen Polimeni

**Members Absent:** Councilmember Ward 3 Karen White  
Councilmember-at-Large Matt Martin (Arrived at 7:02 PM)  
Councilmember-at-Large Robert O'Brien

**Also Present:** City Manager Ted Andrzejewski  
Corporation Counsel Michele O. Smith  
Assistant City Manager John D. Goodwin-Acting Clerk

**Public Hearing:**

**Ordinance #2016-006:** An Ordinance Amending Chapter 850 of the Municipal Code to Permit Fireworks Stores in the C-3 Zone District.

Mayor Polimeni opened the public hearing at 7:01 PM.

No one was present to speak at the hearing.

Mayor Polimeni closed the public hearing at 7:01 PM.

**Review of Community Core Values:** Councilmember-at-Large Whitcomb read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

**Approval of Minutes:**

Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of August 4, 2016. Councilmember Ward 4 Wade seconded the motion.

*Vote Result: Carried unanimously by voice vote. (6-0)*

**Recognition of Guests:** None

## **Committee Reports:**

**Planning/Development Committee:** Met on August 30<sup>th</sup> and discussed the following:

***SEE COMMITTEE NOTES - APPENDIX A***

- Economic Development

**Environmental/Parks:** Met on August 9<sup>th</sup> and discussed the following:

***SEE COMMITTEE NOTES - APPENDIX B***

- Special Event – Canandaigua Historic Downtown Drive (Car Show)
- Farmers Market Mural
- Recycling Container Program Year One Review and Solid Waste Collection Overview

**Ordinance Committee:** Met on August 16<sup>th</sup> and due to a lack of a quorum, the Mayor convened a meeting of the **Committee of the Whole** and discussed the following.

***SEE COMMITTEE NOTES – APPENDIX C***

- City Pier Parking Permits
- Stop Sign Additions and Removals
- Rental Registration Housing La
- Nuisance Abatement Ordinance
- Pesticide Ban on Right-of-Way

**Finance/Budget:** Met on August 30<sup>th</sup> and discussed the following:

***SEE COMMITTEE NOTES – APPENDIX D***

- Fund Review for the Six Months Ending June 30, 2016
- Sales Tax Agreement – Ontario County
- Court Settlement – Canandaigua Nat'l Bank Real Property Assessment Challenge
- Restore NY Grant – Labelon Building
- Muar House AC – Contingency Appropriation
- Budget Items
  - Fire Department
  - Police Department

**Charter Review:** Met on August 17<sup>th</sup>

***SEE COMMITTEE NOTES – APPENDIX E***

## **Resolutions:**

### **Resolution #2016-063:**

Moved: Councilmember Ward 1 Cutri

Seconded: Councilmember-at-Large Martin

### **A RESOLUTION AUTHORIZING A SPECIAL EVENT *Canandaigua Historic Downtown Drive-Car Show, Live Music & Wine Tastings***

**WHEREAS**, the City Council of the City of Canandaigua has received the following application for a special event in the City of Canandaigua:

- *Canandaigua Historic Downtown Drive-Car Show, Live Music & Wine Tastings*  
Date: September 17 & 18, 2016  
Location: Main Street Sidewalks, Chamber Parking Lot, Coach Street Parking Lot, Coach Street, Lafayette Street & Lafayette Parking Lots  
Coordinator: Denise Chaapel  
Time: 10 a.m.–6 p.m. Saturday & 11 a.m.–5 p.m. Sunday  
Purpose: Promote Downtown, Draw Customers to Shop, Dine & Explore  
Expected Number of Participants: 5,000

WHEREAS, this request was reviewed and approved at the August 9, 2016 Environmental/Parks Committee meeting;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that permission is granted to hold the abovementioned special event, in accordance with the submitted application, at the time and location listed, under the following conditions:

- 1) that the event area will be enclosed by applicant with fencing around the perimeter and movable barricades in the street, but that no poles or stakes will be driven into the pavement or sidewalk; and
- 2) that applicant will be responsible for verifying the age of those to be served alcohol and identify those 21 years of age and over with visible wrist bands; and
- 3) that applicant will provide final detailed map showing location of entrances into the event area; and
- 4) that applicant will name the City of Canandaigua as additional insured and provide a certificate to the City for general and liquor liability of at least two million each, at least 1 month prior to the event; and
- 5) that applicant must obtain appropriate liquor license from New York State;

**BE IT FURTHER RESOLVED** by the City Council of the City of Canandaigua that permission is granted to hold the abovementioned special events at the time and locations listed under the following conditions:

- 1) that no fee or admission shall be charged to the general public for admission to the special event; and
- 2) that if the event coordinator intends to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and
- 3) that the event coordinator will ensure that all tents, if any, that are required to be inspected will be inspected prior to the start of the special event; and

**BE IT FURTHER RESOLVED** that the organizers of the Special Events shall adhere to any regulations that the City Manager, or the City Police Department, shall establish to insure the health and safety of Canandaigua residents and visitors throughout these events.

Vote Result: Carried unanimously by voice vote. (7-0)

**Resolution #2016-064:**

Moved: Councilmember Ward 2 Twitchell

Seconded: Councilmember Ward 4 Wade

**A RESOLUTION AUTHORIZING THE INSTALLATION OF A MURAL ON THE MILL STREET PAVILION**

**WHEREAS**, the City constructed a pavilion in the Lafayette Ave parking lot utilizing an grant from the New York State Department of Agriculture & Markets to shelter the Farmers Market, provide a site for downtown festivals and serve as covering parking during times when no events were taking place; and

**WHEREAS**, the Farmers Market, in celebration of their 15<sup>th</sup> Anniversary has been working with the BID (Business Improvement District) to design and install a mural depicting the many different items that can be purchased at a farmers market on the inside walls of the pavilion closest to Beeman Street; and

**WHEREAS**, the Farmers Market and BID have requested City Council approval of the mural and its installation on City property to allow both organizations to pursue further planning and funding for the mural; and

**WHEREAS**, the Environmental/Parks Committee reviewed and approved the request at its August 9, 2016 meeting;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Canandaigua hereby authorizes the Farmers Market and BID to install a mural in substantially the same form as presented to the Environmental/Parks Committee on the inside walls of the pavilion closest to Beeman Street.

*The motion CARRIED UNANIMOUSLY on the following vote:*

**AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.

**NOES:** None.

**Resolution #2016-065:**

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION AUTHORIZING PAYMENT FROM INSURANCE RESERVE FUNDS PURSUANT TO COURT ORDER**

**WHEREAS**, Canandaigua National Bank (CNB) filed three tax certiorari proceedings to review their real property assessments for the 2010, 2011 and 2012 tax rolls, which were reflective of valuations as of July 1, 2009, 2010 and 2011 respectively for its properties at 56 South Main Street, 72 South Main Street and 26 Coy Street; and

**WHEREAS**, the litigation has been finally adjudicated by the courts, which, in summary ruled that the CNB properties were over assessed and are due a refund from Ontario County, Canandaigua City School District and the City of Canandaigua of property taxes paid based on the overassessments; and

**WHEREAS**, the City's portion of the refund owed to CNB for the three challenged tax years totals \$43,518.47; and

**WHEREAS**, with approval of the court the City of Canandaigua is authorized to settle such payment out of its Insurance Reserve Fund;

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Canandaigua that the Clerk/Treasurer is authorized refund the appropriate tax payment to CNB with court ordered costs, which amount shall be disbursed from the Insurance Reserve Fund in the amount of \$43,518.47 as a proper expenditure related to a valid legal claim.

*Discussion:*

*Councilmember-at-Large Terwilliger recused himself due to a conflict of interest.*

*Canandaigua National Bank (CNB) president Frank Hamlin addressed the Council on the process that CNB went through defending what he considers a frivolous assessment and asked the Council to look into the way assessments are handled.*

*The motion CARRIED on the following vote:*

***AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***ABSTAINED:** Councilmember-at-Large Terwilliger*

**Resolution #2016-066:**

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember Ward 2 Twitchell

**A RESOLUTION AUTHORIZING AN APPLICATION  
TO THE RESTORE NY COMMUNITIES INITIATIVE**

**WHEREAS**, on July 13, 2016 the City submitted a letter intent to apply for grant funding from the Restore NY Communities Initiative administered by the Empire State Development Corporation (ESDC) for the rehabilitation/reconstruction of 10 Chapin Street, known as the Labelon Building; and

**WHEREAS**, the grant requested \$500,000 funding would fund the majority of the hazardous materials and environmental remediation of the building with the private developer Canandaigua Crossroads LLC (DHD Ventures) fulfilling the 10% local match requirement and funding the \$10 million redevelopment of the property into a mixed use building with commercial uses on the ground floor and residential units on the upper floors; and

**WHEREAS**, the proposed redevelopment of the Labelon Building is consistent with the goals and recommendations outlined in the City's Comprehensive Plan; and

**WHEREAS**, the redevelopment of the Labelon Building was identified in the City's Strategic Economic Development Plan as being vital towards the success of Downtown and the City's overall economic development;

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Canandaigua that the City Manager and/or his designee is authorized to submit a grant application to the Empire State Development Corporation for funding from the Restore NY Communities Initiatives for the rehabilitation/reconstruction of 10 Chapin Street, known as the Labelon Building; and

**BE IT FURTHER RESOLVED** that the City Council hereby finds that the proposed project is consistent with the City's Comprehensive Plan and Strategic Economic Development Plan; and

**BE IT FURTHER RESOLVED** that the City Council hereby finds that the proposed financing for the project is appropriate for the project; and

**BE IT FURTHER RESOLVED** that the City Council hereby finds that the proposed project facilities effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and

**BE IT FURTHER RESOLVED** that the City Council hereby finds that the proposed project will develop and enhance infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities in the City.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None.*

**Resolution #2016-067:**

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON RESTORE NY APPLICATION AND PROPERTY ASSESSMENT LIST**

**WHEREAS**, the City is applying for funding from the Restore NY Communities Initiatives administered by the Empire State Development Corporation (ESDC); and

**WHEREAS**, the program requires that a public hearing be held to discuss the grant application and the property assessment list (attached) associated with the grant application;

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Canandaigua that a public hearing regarding its Restore NY Communities Initiatives application and the associated property assessment list, be held during the Environmental/Parks Committee Meeting held at 7:00 p.m. on

September 13, 2016 in the Conference Room, Hurley Building, 205 Saltonstall Street, Canandaigua, New York; and

**BE IT FURTHER RESOLVED** that the City Clerk shall cause notice to be given and published as required by law.

*Vote Result: Carried unanimously by voice vote. (7-0)*

**Resolution #2016-068:**

Moved: Councilmember Ward 2 Twitchell

Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH  
CANANDAIGUA CROSSROADS, LLC**

**WHEREAS**, as part of the City's grant application for funding from the Restore NY Communities Initiative for the hazardous materials and environmental remediation at 10 Chapin Street, known as the Labelon Building, a matching contribution of no less than ten percent is required; and

**WHEREAS**, the matching contributions must be "firmly committed" via a signed, written agreement to provide the resources and services; and

**WHEREAS**, the developer, Canandaigua Crossroads LLC (DHD Ventures) will be investing over \$10 million to rehabilitate/reconstruct the Labelon Building into a mixed use building with commercial uses on the ground floor and residential units on the upper floors and has agreed to provide the matching contribution;

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Canandaigua that the City Manager and/or his designee is authorized to execute a Memorandum of Understanding, in substantially the same form as attached hereto, with Canandaigua Crossroads, LLC to "firmly commit" the matching contribution required for the grant application.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None.*

**Resolution #2016-069:**

Moved: Councilmember-at-Large Martin

Seconded: Councilmember Ward 4 Wade

**A RESOLUTION APPROPRIATING FUNDS FOR THE MUAR HOUSE**

**WHEREAS**, by Resolution #2016-004 the City entered into a lease agreement with Twisted Rail Brewing Company for use of the Muar House; and

**WHEREAS**, in accordance with the lease, the City is responsible for certain repairs, including replacement, of the HVAC units that service the facility; and

**WHEREAS**, in early summer the second floor air conditioning system malfunctioned and subsequently was inspected by Department of Public Works personnel and the City's HVAC contractor which resulted in the determination that due to the systems age and the nature of the repair that the system should be replaced;

**WHEREAS**, the City requested obtained three quotes to replace the system with the lowest quote received by Colb Heating and Cooling totaling \$3,200; and

**WHEREAS**, in order to facilitate the replacement an appropriation of \$3,200 from contingency was recommended by City staff and said recommendation was reviewed and approved by the Finance/Budget Committee at its August 30, 2016 meeting;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Canandaigua hereby appropriates \$3,200 from the Contingency budget for the purposes of replacing the second floor air conditioning system at the Muar House and hereby authorizes that said funds be transferred to the appropriate budget account, as determined by the City Clerk/Treasurer.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None*

### **Ordinances:**

**Ordinance #2016-006:** *(Introduced and tabled at the August 4, 2016 Council meeting)*

#### **ORDINANCE #2016-006**

#### **AN ORDINANCE AMENDING CHAPTER 850 OF THE MUNICIPAL CODE TO PERMIT FIREWORKS STORES IN THE C-3 ZONE DISTRICT**

This ordinance remains on the table.

### **Ordinance #2016-007:**

Councilmember Ward 1 Cutri read the following Ordinance and placed it on the table.

#### **AN ORDINANCE AMENDING CHAPTER 648, VEHICLE AND TRAFFIC, OF THE MUNICIPAL CODE TO ADD STOP INTERSECTIONS**

**SECTION 1.** §648-11 "Through Highways" of the Municipal Code is hereby amended to add the following:

A. (3) North Shore Boulevard from the North

**SECTION 2.** §648-13 "Stop Intersections" of the Municipal Code is hereby amended to add the following:



Booth Street from the southwest with North Shore Boulevard  
 Saxton Lane from the south with Kennedy Street  
 Sibley Court from the east with Saxton Lane  
 Jefferson Avenue from the south with Niagara Street

**SECTION 3.** This Ordinance shall take effect immediately upon adoption.

**Ordinance #2016-008:**

Councilmember Ward 1 Cutri read the following Ordinance and placed it on the table.

**AN ORDINANCE AMENDING CHAPTER 648 OF  
 THE MUNICIPAL CODE TO AUTHORIZE  
 THE DISTRIBUTION OF CITY PIER PARKING PERMITS**

BE IT ENACTED by the City Council of the City of Canandaigua as follows:

Sec. 1 That chapter 648, section 648-21 of the Municipal Code, is hereby amended as follows [new language in *italics*, deletions stricken]:

§ 648-21. Parking, standing and stopping restrictions shall apply on the following streets as follows:

City Pier	No parking, standing or stopping on the east side beginning:
	At the intersection of the south curbline of Lakeshore Drive and the east curbline of the City Pier (easterly leg) to a point 331 feet southerly therefrom
	271 feet south of the intersection of the south curbline of Lakeshore Drive and the east curbline of the City Pier to a point 135 feet southerly therefrom
	656 feet south of the intersection of the south curbline of Lakeshore Drive and the east curbline of the City Pier to a point 631 feet southerly therefrom
	1,437 feet south of the intersection of the south curbline of Lakeshore Drive and the east curbline of the City Pier to a point 125 feet southerly therefrom
City Pier	No parking, standing or stopping on the west side beginning:
	At the intersection of the south curbline of Lakeshore Drive and the west curbline of the City Pier (easterly leg) to a point 148 feet southerly therefrom
	737 feet south of the intersection of the west curbline of South Main Street and the west curbline of the City Pier to a point five feet southerly therefrom
	1,145 feet south of the intersection of the west curbline of South Main Street and the west curbline of the City Pier to a point 50 feet southerly therefrom
	1,570 feet south of the intersection of the west curbline of South Main Street and the west curbline of the City Pier to a point 95 feet westerly therefrom
City Pier	No parking, standing or stopping on both sides of the cul-de-sac at the southwest end
City Pier	30-minute parking:

	On the east side from 1,287 feet south of the intersection of the south curbline of Lakeshore Drive and the east curbline of the City Pier to a point 150 feet southerly therefrom
	On the south end where parking spaces are designated
<b>City Pier [Amended 6-5-2008 by Ord. No. 2008-012]</b>	<b>All-night parking restrictions:</b>
City Pier	15-minute parking: on the west side beginning at a point 35 feet south of the south curbline of the Inn on the Lake driveway 90 feet southerly therefrom
<b>City Pier</b>	<b>Notwithstanding any provision in this schedule, there shall be no parking of any motor vehicle on the City Pier between the hours of 9:00 p.m. and 5:00 a.m. except for:</b>
	<p>Owners of boathouses or businesses on or contiguous to the City Pier with permits identifying them as such.</p> <p>Boathouse/pier business owners may purchase one permit from the City Clerk/Treasurer's Office before May 1st of each year. After May 1st each boathouse may purchase two (2) additional permits <u>and any other person may purchase one (1) permit</u> on a first come first served basis. At no time will more than 125 total permits be issued in any one year. The cost of permits shall be established by resolution of the City Council.</p> <p><del>Such</del> <u>Multiple</u> permits shall <u>only</u> be issued <u>to an individual</u> by the City Clerk/Treasurer upon proof satisfactory to the City Clerk/Treasurer that the applicant is a boat house or City Pier business owner as identified by the City Assessor's Office. The granting of a permit does not guarantee the permit holder a parking space. The City reserves the right to restrict all vehicles from the City Pier at any time or in its discretion to revoke a permit. Permits must be affixed to posts of rear view mirrors so as to be visible through vehicle windshield to be valid. Failure to properly post permits may result in the issuance of a parking ticket, the responsibility of which rests with the vehicle owner regardless of boathouse <u>or permit</u> ownership status.</p>
	1/2-hour parking at all times for 9 parking spaces, said spaces being located at the southeastern point of the City Pier and marked as such by the Department of Public Works

Sec. 2 This ordinance shall be effective thirty (30) days following its enactment.

### **Ordinance #2016-009:**

Councilmember-at-Large Whitcomb read the following Ordinance and placed it on the table.

## **AN ORDINANCE CREATING CHAPTER 560 OF THE MUNICIPAL CODE, "RENTAL REGISTRATION HOUSING LAW"**

BE IT ENACTED by the City Council of the City of Canandaigua as follows:

**Sec. 1** That chapter 560 of the Municipal Code, is hereby created as follows:

### **Chapter 560: Rental Registration Housing Law (New chapter)**

**§560-1. General Provisions**

This article shall be known as the "Canandaigua Rental Housing Registration Law," and will be referred to as such in this Chapter.

**§560-2. Findings and Purpose.**

The City Council has determined that there exists in the City of Canandaigua issues arising from the relatively large proportion of residential rental property, which currently accounts for approximately 50% of all residential units in the City. A number of these rental units may, from time to time, be substandard or in violation of the New York State Uniform Fire Prevention and Building Code, the New York State Multiple Residence Law, or other state codes or local codes. The City Council finds that the large number of rental units encourages a transient population, which often accounts for a disproportionate number of complaints of public nuisances, including but not limited to noise, disorderly conduct, and property damage. The City Council also finds that identifying and contacting a responsible party to address code violations, nuisance calls, and emergencies associated with residential rental properties is frequently a challenge for City staff because contact information for the owner or his/her agent is not routinely gathered and updated.

In light of these findings, the City Council further has determined that it is in the public interest to establish an annual rental property registration program, wherein owners of residential rental property shall provide, annually to the City, contact and other information that will aid staff in identifying a responsible party

**§560-3. Scope, applicability and exceptions.**

- A. The provisions of this Chapter shall apply to all residential rental buildings and structures now in existence or hereafter constructed, rehabilitated, renovated or converted to residential use within the City limits, except those buildings and structures specifically excluded from the provisions of this Chapter.
- B. Nothing in this Article shall be deemed to change the validity of or requirements for a Certificate of Occupancy under the Building Code of New York State.
- C. Exceptions. The provisions of this Chapter do not apply to:
  - (1) Buildings, structures and uses owned and operated by any governmental unit or governmental agency, including the State of New York, or the County of Ontario.
  - (2) Single-family dwellings occupied by a record title holder.
  - (3) Transient shelters and group homes subject to state inspection.
  - (4) Residential structures of which ownership passes to a governmental unit.
  - (5) Hotels or motels.
  - (6) Tourist homes or bed-and-breakfast dwellings.
  - (7) Nursing homes, intermediate care nursing homes or convalescent dwellings.
- D. Where a nonresidential business or activity or a state-licensed or state-approved use occupies a portion of a building and the building contains premises which would otherwise be subject to this Chapter, this Chapter shall be and remain applicable to the residential and common or public areas of such building and premises.

**§560-4. Information Required From Owner and Agent - Rental Registration.**

- A. Owners of residential rental property that is located in the City shall complete and sign a Rental Registration form provided by the Code Enforcement Office within 30 days of date of mailing, or electronically if authorized by the City. The form shall indicate the name, physical address, and telephone

number of each owner and agent, if applicable; the number and address of each rental dwelling, the number of dwelling units contained within each rental dwelling, whether the premises are governed by a written lease or an oral lease, daytime and evening telephone numbers of the owner and agent, if applicable, the maximum number of tenants, and any other pertinent data sought by the Code Enforcement Officer. The form shall indicate an address for receipt of notices by mailing under this Chapter. The property owner shall be responsible for timely updating such information in the event that changed circumstances would render the information in the registration form inaccurate.

B. Owners of residential rental property located in the City, who reside in any county other than Ontario County or contiguous counties, shall provide the Code Enforcement Office with the name, physical address, and 24-hour phone number of an individual over the age of 18 who shall reside in Ontario County or any county contiguous thereto and who shall be designated as agent for receiving mailed notice or service of process and acting on behalf of the owner in his absence. Such agent shall be deemed to have the rights and responsibilities of the property owner for the purposes of this Article. A new property owner shall provide the information required in this subsection within five days from the date of any change of ownership.

**§560-5. Transition Rules.**

Owners of rental buildings or structures existing on the date of adoption of this Article must register in accordance with §560-4, by no later than January 30th of the year following adoption.

**§560-6. Penalties for Offenses.**

A. Any property owner, who commits or permits any acts in violation of any of the provisions of this Chapter or fails to comply with the provisions thereof shall be deemed to have committed an offense against such Chapter and also be liable for any such violation or penalty. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.

B. For every violation of any provision of this Chapter, the person violating the same shall be subject to a fine of not more than \$250 and/or 15 days in jail for each such offense. Such penalty shall be collectible by and in the name of the City for each day that such violation shall continue.

**Sec. 2** This ordinance shall be effective thirty (30) days following its enactment.

**Ordinance #2016-010:**

Councilmember-at-Large Whitcomb read the following Ordinance and placed it on the table.

**AN ORDINANCE CREATING A NEW CHAPTER OF THE MUNICIPAL CODE ENTITLED  
“CHRONIC NUISANCE PROPERTIES” TO CREATE A PROCESS TO ABATE PROPERTIES  
THAT HAVE A NEGATIVE IMPACT ON THE QUALITY OF LIFE, HEALTH, AND SAFETY  
OF THEIR NEIGHBORHOODS**

Be it enacted by the City Council of the City of Canandaigua as follows:

SECTION 1. A new Chapter (to be assigned a number by General Code) is hereby introduced as follows:

**CHAPTER - “CHRONIC NUISANCE PROPERTIES”**

Sections:

PURPOSE.

DEFINITIONS.

VIOLATION.

PROCEDURE.

COMMENCEMENT OF ACTION - ENFORCEMENT.

SUMMARY CLOSURE.

SEVERABILITY.

**PURPOSE.**

(a) Chronic nuisance properties present grave health, safety and welfare concerns, where the persons responsible for such properties have failed to take corrective action to abate the nuisance condition. Chronic nuisance properties have a tremendous negative impact upon the quality of life, safety and health of the neighborhoods where they are located. This chapter is enacted to remedy nuisance activities that are particularly disruptive to quality of life and repeatedly occur or exist at properties by providing a process for abatement. This remedy is not an exclusive remedy available under any state or local laws and may be used in conjunction with such other laws.

(b) Chronic nuisance properties are a financial burden to the city by the repeated calls for service to the properties because of the nuisance activities that repeatedly occur or exist on such property. This chapter is a means to ameliorate those conditions and hold accountable those persons responsible for such property.

**DEFINITIONS.**

For purposes of this chapter, the following words or phrases shall have the meaning prescribed below:

(a) "Abate" means to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this chapter by such means and in such a manner and to such an extent as the applicable City Department Head or designee(s) determines is necessary in the interest of the general health, safety and welfare of the community;

(b) "Control" means the ability to regulate, restrain, dominate, counteract or govern property, or conduct that occurs on a property;

(c) "Chronic nuisance property" means property on which any combination of three or more nuisance activities, as defined herein, occur or exist during any sixty (60) day period;

(d) "Nuisance activity" means and includes:

(1) Any criminal convictions or violations of State law, County law, or local ordinance occurring on a property.

(2) For purposes of this chapter, "nuisance activity" shall not include conduct where the person responsible is the victim of a crime and had no control over the criminal act;

(e) "Person responsible for property" or "person responsible" means, unless otherwise defined, any person who has titled ownership of the property or structure which is subject to this chapter, an occupant in control of the property or structure which is subject to this chapter, a developer, builder, or business operator or owner who is developing, building, or operating a business on the property or in a structure which is subject to this chapter and/or any person who has control over the property and allows a violation of this chapter to continue;

(f) "Person" means natural person, joint venture, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, officer or employee of any of them;

(g) "Premises and property" may be used by this chapter interchangeably and means any public or private building, lot, parcel, dwelling, rental unit, real estate or land or portion thereof including property used as residential or commercial property;

**VIOLATION.**

- (a) Any property within the City of Canandaigua which is a chronic nuisance property is in violation of this chapter and subject to its remedies; and
- (b) Any person responsible for property who permits property to be a chronic nuisance property shall be in violation of this chapter and subject to its remedies.

**PROCEDURE.**

(a) When the City Manager or his/her designee(s), receives documentation from a Police agency confirming the occurrence of three or more nuisance activities within a sixty (60) day period on any property, the City Manager, or his/her designee(s), may review such documentation to determine whether chronic nuisance activity exists. Upon such a finding, the City Manager, or his/her designee(s), shall warn the person responsible for such property, in writing, that the property is in danger of being declared a chronic nuisance property.

(b) The warning shall contain:

- (1) The street address or a legal description sufficient for identification of the property;
- (2) A concise description of the nuisance activities that exist, or that have occurred on the property;
- (3) A demand that the person responsible for such property respond to the City Manager or his/her designee(s) within twenty (20) days of date of the notice to discuss the nuisance activities and create a plan to abate the chronic nuisance;
- (4) Offer the person responsible an opportunity to abate the nuisance activities giving rise to the violation; and
- (5) A statement describing that if legal action is sought, the property could be subject to closure and civil penalties and/or costs assessed up to one hundred dollars (\$100.00) per day if the property is declared a chronic nuisance property.

(c) The City Manager or his/her designee(s) shall serve or cause to be served such warning upon the person responsible in accordance with the procedures set forth herein.

(d) If the person responsible fails to respond to the warning within the time prescribed, the City Manager, or his/her designee(s) shall issue a notice declaring the property to be a chronic nuisance property and post such notice at the property and issue the person responsible a civil infraction, punishable by a maximum penalty of one thousand dollars (\$1,000). If the person responsible fails to respond to the issued infraction and/or continues to violate the provisions of this chapter, the matter shall be referred to the Office of the Corporation Counsel for further action.

(e) If the person responsible responds as required by the notice and agrees to abate the nuisance activity, the City Manager, or his/her designee(s), and the person responsible, may work out an agreed upon course of action which would abate the nuisance activity. If an agreed course of action does not result in the abatement of the nuisance activities or if no agreement concerning abatement is reached, the matter shall be forwarded to the Office of the Corporation Counsel for enforcement action. Provided, that in the event the City Manager or his/her designee(s) or the Corporation Counsel determines that the person responsible has taken reasonable steps to abate the nuisance activity, the Corporation Counsel shall not commence an enforcement action under this chapter, notwithstanding the continuance of the nuisance activity.

(f) It is a defense to an action for chronic nuisance property that the person responsible, at all material times, could not, in the exercise of reasonable care or diligence, determine that the property had become a chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the determination that the property is chronic nuisance property.

**COMMENCEMENT OF ACTION - ENFORCEMENT.**

(a) Once the matter is referred to the Corporation Counsel, the Corporation Counsel shall immediately review and make a determination whether to initiate legal action authorized under this chapter or State statute, or may seek alternative forms of abatement of the nuisance activity. The Corporation Counsel may

initiate legal action on the chronic nuisance property and seek civil penalties and costs in City Court for the abatement of the nuisance.

(b) In determining whether a property shall be deemed a chronic nuisance property and subject to the court's jurisdiction, the City shall have the initial burden of proof to show by a preponderance of the evidence that the property is a chronic nuisance property. The City may submit official police reports and other affidavits outlining the information that led to arrest(s), violations, and other chronic nuisance activity occurring or existing at the property.

(c) Once the court determines the property to be a chronic nuisance under this chapter the court may impose a civil penalty against any or all of the persons responsible for the property, and may order any other relief deemed appropriate. A civil penalty may be assessed for up to one hundred dollars (\$100.00) per day for each day the nuisance activity continues to occur following the date of the original warning by the City Manager, or his/her designee(s). In assessing the civil penalty, the court may consider the following factors, citing to those found applicable:

- (1) The actions taken by the person responsible to mitigate or correct the nuisance activity;
- (2) The repeated or continuous nature of the nuisance activity;
- (3) The statements of the neighbors or those affected by the nuisance activity; and
- (4) Any other factor deemed relevant by the court.

(d) The court which determined the property to be a chronic nuisance property shall also assess costs against the person responsible in the amount it costs the City to abate, or attempt to abate, the nuisance activity.

(e) If the court determines the property to be a chronic nuisance property, the court shall order the property closed and secured against all unauthorized access, use and occupancy for a period up to one year, and may impose a civil penalty and costs.

(f) Once a determination has been made by the court that the chronic nuisance property shall be subject to closure the court may authorize the City to physically secure the premises and initiate such closure. Costs for such closure shall be submitted to the Court for review. Any civil penalty and/or costs awarded to the City may be filed with the City Treasurer who shall cause the same to be filed as a lien on the property. The City shall file a formal lis pendens notice when an action for abatement is filed.

(g) The court shall retain jurisdiction during any period of closure or abatement of the property.

(h) Canandaigua City Court is to have jurisdiction of all civil infractions issued pursuant to this chapter.

### **SUMMARY CLOSURE.**

Nothing in this chapter prohibits the City from taking any emergency action for the summary closure of such property when it is necessary to avoid an immediate threat to public welfare and safety. The City may take summary action to close the property without complying with the notification provisions of this Chapter, but shall provide such notice as is reasonable under the circumstances.

### **SEVERABILITY.**

If any portion of this chapter, or its application to any person or circumstances, is held invalid, the validity of the chapter as a whole, or any other portion thereof, or the application of the provision to other persons or circumstances is not affected.

SECTION 2. This ordinance shall take effect thirty (30) days from its adoption.

**Local Laws:**       None

**Manager's Report:** City Manager Ted Andrzejewski reported the following:

- Sales Tax talks continuing with the County

- Continuing effort to purchase land for the dog park
- Addressed Frank Hamlin's concerns and will take a look at the process.

**Miscellaneous:**

- Councilmember Ward 2 Twitchell welcomed back FLCC students.
- Denise Chaapel asked where the Council stands on BID portion of the refund of taxes to CNB. This will be discussed at the next Environmental Committee meeting.

**Executive Session:**

Councilmember Ward 1 Cutri moved to close the regular meeting to go into Executive Session at 8:18 PM to discuss employment history of a particular corporation. Councilmember Ward 2 Twitchell seconded the motion.

*Vote Result: Carried unanimously by voice vote (7-0)*

**Regular Session:**

Councilmember Ward 4 Wade moved to close the executive session and return to the regular meeting at 9:42 PM. Councilmember Ward 2 Twitchell seconded the motion.

*Vote Result: Carried unanimously by voice vote (7-0).*

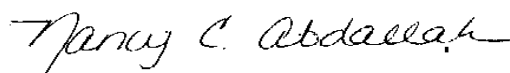
**Miscellaneous:**

Set Committee of the Whole meeting for Saturday, September 10<sup>th</sup> at 8:30 AM to continue executive session discussion.

**Adjournment**

Councilmember Ward 4 Wade moved to adjourn the regular session at 9:42 PM. Councilmember Ward 2 Twitchell seconded the motion.

*Vote Result: Carried unanimously by voice vote (7-0).*



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Nancy C. Abdallah, Clerk Treasurer  
City of Canandaigua



**APPENDIX A**  
**PLANNING/DEVELOPMENT**  
**Tuesday, August 30, 2016**  
**6:00 p.m.**  
**Hurley Building Conference Room**

**Committee:** Cindy Wade, Chair; Jim Terwilliger; Anita Twitchell Absent-Robert O'Brien

**Other Council Members:** Ellen Polimeni, Karen White, David Whitcomb, Matt Martin

**Staff:** Ted Andrzejewski, John Goodwin, Michele Smith

**Meeting called to order at 6:00 PM**

**1. Economic Development Thomas Lyon and Randy Farnsworth present**

At the August 2, 2016 Planning/Development Committee, Alison Grems and Thomas Lyon (Chamber of Commerce) presented the 2<sup>nd</sup> Quarter Economic Development Report which covered April-June 2016 summarizing efforts, activities and results. The presentation was also a follow-up to the discussion that took place at the Finance/Budget Committee meeting on July 26, 2016. At the Finance/Budget Committee meeting, City Council requested The Strategic Economic Development Plan (Fairweather Report) in order for it to be reviewed and utilized for the continued discussion. The Fairweather Report can be found on the [City website](#). After the presentation, the Planning/Development Committee held a general discussion regarding economic development and tabled further discussion for its September 6, 2016 meeting (rescheduled to August 30, 2016. Pages 19-22 of the Fairweather Report, which include the Overall Metrics for the SEDP, which are the "best means to assess the overall effectiveness of the SEDP" and the table that summarizes the report's recommendations.

Cindy reviewed the recommendations and proposed benchmarks set forth in the Fairweather Report to determine what items Council wants to see for Economic Development and how it should be evaluated.

Areas of development that should be covered by Econ. Dev.:

- Dedicated Economic Development Role
- Business Retention
- Prepare and position sites for development/redevelopment
- Promote business to business opportunities (ie. work with BID)
- Focus on Quality of Life
- Grow retail/tourism sector
- Grow manufacturing/business sector
- Grow Services Sector
- Outcome metrics set forth by Fairweather should be used to measure success and achievement

Ted reminded Committee that many of these items are already in the current contract, that Council insisted be added to this extension. Council members agreed that this was the case.

Jim reminded that in addition to Fairweather also need to learn from the experience and knowledge that the Chamber has gained in this role when considering success of this program.

**APPENDIX A (CONTINUED)**  
**PLANNING/DEVELOPMENT COMMITTEE**

Karen cautioned that we are close to spending half a million dollars on this and we need to see some real, quantifiable results and numbers. What is the return on investment?

Expect Chamber to present 3<sup>rd</sup> Quarter report at the Oct. 4<sup>th</sup> Planning Committee meeting so that they can make recommendations for next year. Also copy of current contract will be sent to Council to refresh their recollection.

City Manager feels communication with Chamber is C- - they run around the Manager directly to individual council members; Chamber feels it is a D/F -they haven't been given enough direction by City.

2. **2016/2017 Strategic Plan** - If time permits the Committee can continue its review and discussion of the Strategic Plan. **Tabled till Oct.**

Meeting Adjourned @ 7:06 PM

**APPENDIX B**  
**ENVIRONMENTAL/PARKS**  
**Tuesday, August 9, 2016**  
**7:00 p.m.**  
**Hurley Building Conference Room**

**Committee:** Nick Cutri, Chair; Matt Martin; Anita Twitchell; David Whitcomb

**Other Council Members:** Ellen Polimeni; Jim Terwilliger; Karen White; Robert O'Brien; Cindy Wade

**Staff:** Ted Andrzejewski; John Goodwin; Michele Smith

**1. Special Event – Canandaigua Historic Downtown Drive (Car Show)**

The BID, working with the promoters from the Green Front Car Show, is seeking to expand upon last year's event by including the parking lots along Lafayette Ave (between Niagara St and Phoenix St) and the Coach St parking lot. The event plans to include a ticketed tent that will have tastings of wine and chocolate on Saturday and beer and BBQ on Sunday showcasing local businesses, wineries and breweries. This is not too dissimilar from the car show last year which was permitted to sell alcohol for consumption in the Niagara Street Parking Lot.

Denise Chaapel, BID Director, discussed and answered questions about the event. Event on Sept. 17 and 18 from 10am to 6pm in Lafayette and Coach St. lots on Sat. and Sun. Mill St. lot after 1:00 if needed for overflow [Green Front Car Show will be in Niagara St. lot on Sunday.]

City's alcohol beverage special event application needs to be completed and permit issued. Denise indicated that they intend to obtain liquor license.

Motion to approve application as discussed made by Matt Martin, 2<sup>nd</sup> by Anita Twitchell. Vote 4-0  
**RESOLUTION for next Council meeting**

**2. Farmers Market Mural**

The Farmers Market has been working with the BID to design and fund a mural at the pavilion on Mill Street to celebrate their 15<sup>th</sup> Anniversary and provide another public art piece Downtown for the community to enjoy. The proposed mural would be installed on the inside wall of the pavilion closest to Beeman St. The mural is intended to reflect the highlights of a farmers market featuring pictures of the many different items that can be purchased at a farmers market. In order for the Farmer's Market and the BID to further pursue planning and funding for the mural, City Council must approve the mural as the pavilion is City property.

The City Manager recommends that the City Council approve the mural.

Denise Chaapel, BID Director, presented proposed mural.

Motion to authorize BID to install mural on Mill St. Pavilion as discussed made by Matt Martin, 2<sup>nd</sup> by Anita Twitchell. Vote 4-0

**RESOLUTION for next City Council meeting**

**3. Recycling Container Program Year One Review and Solid Waste Collection Overview**

Last June/July 2015, the City distributed 96 and 64-gallon recycling containers (Toters) to all households that receive solid waste collection from the City. Once the Toters were distributed, the City began a bi-weekly collection of recycling in August 2015. The goals of the program were to increase recycling while reducing worker strain, reducing man-hours and wear and tear on equipment, and realizing savings from tipping fees by reducing the amount of recycling that was being collected as garbage.

**APPENDIX B (Continued)**  
**ENVIRONMENTAL/PARKS**

City Staff presented an overview of the program as it relates to its intended goals – success in all areas. The presentation included an overview of the costs of the City's overall solid waste collection program (approximately \$627,000. or 4.62% of general fund budget)

Actual expenditures from 2013, 2014, and 2015 were presented along with the 2016 budget projections.

General comments and discussion from Council members on how to handle solid waste collection.

**NO ACTION**

Meeting Adjourned @ 8:47 PM

**APPENDIX C**  
**COMMITTEE OF THE WHOLE**  
**(replaced Ordinance Committee)**  
**Tuesday, August 16, 2016**  
**7:00 p.m.**  
**Hurley Building Conference Room**

**Council members:** Ellen Polimeni; Jim Terwilliger; David Whitcomb; Karen White; Robert O'Brien;  
Anita Twitchell; Cindy Wade

**Staff:** Ted Andrzejewski; John Goodwin; Michele Smith

**1. City Pier Parking Permits**

Since 2014, the City Council has authorized parking at the City Pier between the hours of 9 PM and 11 PM via a parking permit. These authorizations have permitted the parking on a trial basis. At the June 28, 2016 Finance/Budget Committee meeting, the Committee voted to approve the parking permit for 2016 and requested that the parking permit be permanent, which requires an amendment to City Code. As such, attached is a proposed ordinance for the Committee's review.

**General discussion and agreement to forward to City Council meeting**

**2. Stop Sign Additions and Removals**

Saxton Lane and Sibley Court have recently been constructed, necessitating the installation of traffic controls (stop signs) at the intersections of Saxton Lane from the south with Kennedy St and Sibley Court from the east with Saxton Lane. From time to time, as new streets are developed or as conditions warrant, it is necessary to amend this section of code in order to allow for the installation or removal of stop signs at intersections in accordance with the National Manual of Uniform Traffic Control Devices (MUTCD). It should be noted that if the City installs a traffic control device that deviates from this, the City would be potentially liable for any accidents that subsequently occur. In accordance with MUTCD, stop signs are not to be used as speed control devices, but rather as safety measures to determine the right-of-way at intersections with certain minimum traffic volumes, where there is poor visibility, unusual geometry and unexpected traffic conditions. Due to the necessary additions, §648-13 Stop Intersections was reviewed to ensure that existing signs were listed and installed in accordance with the MUTCD. Several existing signs were not listed, additional signs are needed due to construction/reconfiguration of North Shore Blvd. and Booth St, and others need to be removed as the signs are acting as speed control devices. The complete list is attached to this agenda in the form of a draft ordinance.

**John Goodwin explained the analysis conducted and the recommendations.**

**Re: the proposed additions Jim Terwilliger moves to accept all of them, 2<sup>nd</sup> by Karen White. Vote 7-0**

**Re: the proposed deletions Karen White made motion to table, 2<sup>nd</sup> by Robert O'Brien. Vote 5-2  
Council would like to see visual map and have notification made to the affected residents prior to the next time it is on the agenda.**

**3. Rental Registration**

At the June 21, 2016 and July 19, 2016 Ordinance/Charter Review Committee, the Committee held a general discussion regarding a rental registration ordinance. The ordinance was originally discussed in 2013, but not adopted and has been brought back for discussion by Councilmember Karen White due to code enforcement inquiries she received from residents in Ward 3. At the July 19, 2016 meeting, the Committee requested an updated draft Rental Registration Housing Law

**APPENDIX C (Continued)**  
**COMMITTEE OF THE WHOLE**

based on the discussions. Attached to your agenda is a draft ordinance for the Committee's review. City staff recommends the adoption of this ordinance.

General discussion regarding the information being requested.

Motion to support ordinance as proposed made by David Whitcomb, 2<sup>nd</sup> by Robert O'Brien. Vote 7-0

**ORDINANCE for next Council meeting**

**4. Nuisance Ordinance**

At the June 21, 2016 and July 19, 2016 Ordinance/Charter Review Committee, the Committee held a general discussion regarding a rental registration ordinance. The ordinance was originally discussed in 2013, but not adopted and has been brought back for discussion by Councilmember Karen White due to code enforcement inquiries she received from residents in Ward 3. At the July 19, 2016 meeting much of the discussion involved the parameters (whether or not it would apply to criminal or code enforcement matters) of such an ordinance and the recourse for violations. A draft ordinance limited to criminal convictions as basis for chronic nuisance proposed by David Whitcomb was discussed. General discussion regarding pros and cons of this ordinance. Motion to recommend to Council as proposed made by Robert O'Brien, 2<sup>nd</sup> by David Whitcomb. Vote 6-1

**ORDINANCE for next Council meeting**

**5. Pesticide Ban on Right-of-Way**

After a great deal of discussion at several 2014 committee meetings, an ordinance to prohibit pesticides on rights-of-way was introduced and tabled at the September 4, 2014 City Council meeting. The ordinance continued to be discussed throughout 2015 at committee meetings and ultimately was not adopted by 3-4 vote at the August 6, 2015 City Council meeting. Joel Freedman spoke at the August 4, 2016 City Council meeting and asked that the City Council re-consider the ordinance. Attached to your agenda is a copy of the ordinance.

Joel Freedman spoke to the Committee requesting that they reconsider the pesticide ban on all City property.

General discussion. Motion made by Anita Twitchell to proceed with clarification to redefine ROW on every City street, no 2<sup>nd</sup>. No support.

**NO ACTION**

Meeting Adjourned @ 9:08 PM

**APPENDIX D**  
**FINANCE/BUDGET COMMITTEE**  
**Tuesday, August 30, 2016**  
**7:08 p.m.**  
**Hurley Building Conference Room**

**Committee:** James Terwilliger, Chair; Robert O'Brien; Karen White, Cindy Wade

**Other Council members:** Ellen Polimeni; Matt Martin; David Whitcomb; Anita Twitchell

**Staff:** Ted Andrzejewski; John Goodwin; Michele Smith; Jim Sprague; Stephen Hedworth; Mark Marentette

**1. Fund Review for the Six Months Ending June 30, 2016**

Attached to the agenda is a copy of the financial statements for the first six months of 2016. Staff is prepared to answer any questions that the Committee may have regarding the statements, but will not make a presentation. In summary, the City's financials are consistent with the previous two years and there are no "red flags". **FYI – no action**

**2. Sales Tax Agreement – Ontario County**

City Supervisors David Baker and Rich Russell have been invited to attend the meeting for a general discussion regarding the sale tax agreement with Ontario County and the City of Geneva.

**Jim indicated that the Supervisors were invited to have a discussion with Council and see how far apart the City's position is from the Supervisors. David Baker cautioned that when you open up discussions then you may open up a can of worms with many supervisors who are not familiar with the past negotiations. County is considering having a "Sales tax 101" for the new supervisors at joint committee. Ted will present City proposal to County Committee. Ellen questioned what the City Supervisors thought of the City proposal – Rich indicated they can't express an opinion without knowing what happens to this Agreement at the end of this year. General discussion regarding process, timeline and City's position.**

**FYI – no action**

**3. Court Settlement – Canandaigua Nat'l Bank Real Property Assessment Challenge**

Canandaigua National Bank (CNB) filed three petitions to review the assessments for the 2010, 2011 and 2012 tax rolls which were reflective of valuations as of July 1, 2009, 2010 and 2011 respectively for its properties at 56 South Main Street, 72 South Main Street and 26 Coy Street. The litigation has been recently settled via court ruling (attached) which in summary ruled that the CNB properties were over assessed and is due a refund from Ontario County, Canandaigua City School District and the City of Canandaigua of property taxes paid utilizing the overassessments. Attached to the agenda is a summary of the refund that the City owes CNB which totals \$43,518.47 City Tax (\$6,105.43 BID Tax). Staff recommends that City Council appropriate the refund amount of \$43,518.47 from the Insurance Reserve Fund (current balance of \$94,000) and charge the BID \$6,105.43 for the BID's portion of the refund. The BID has been informed of this recommendation and may attend the meeting to take part of the discussion.

**Denise Chaapel in attendance to request that the BID not have to pay back the money since they cannot afford it. Directed to approach CNB regarding forgiveness of refund. No Motion to approve payment from Insurance Reserve Fund since Jim Terwilliger recused himself from discussion. However, the majority in attendance support it so a RESOLUTION will be on Council Agenda.**

**RESOLUTION (without recommendation) – SUPPLEMENTAL Agenda.**

**APPENDIX D (Continued)**  
**FINANCE/BUDGET COMMITTEE**

**4. Restore NY Grant – Labelon Building**

On July 13, 2016, City staff submitted a Letter of Intent to Empire State Development for the Restore NY grant program for the rehabilitation of the property at 10 Chapin Street (known as the Labelon Building). The project was deemed eligible for the program. As part of the grant application a resolution must be adopted “finding that the proposed project is consistent with the municipality’s local revitalization development plan; that the proposed financing is appropriate for the specific project; that the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities where applicable.” There are several other requirements, including a public hearing and an agreement with the developer, to provide matching contributions. As a result, there are three resolutions that the Committee needs to consider recommending to the City Council at its September 1, 2016 meeting.

Motion to recommend all Resolutions as discussed made by Cindy Wade, 2<sup>nd</sup> by Karen White.

Vote 3-0.

**3 RESOLUTIONS – Supplemental Agenda**

**5. Muar House AC – Contingency Appropriation**

In early summer, Twisted Rail reported to the City that the air conditioning system for the second floor of the Muar House was malfunctioning. After DPW and the City’s HVAC contractor inspected the system, it was determined that due to its age and the nature of the repair that the system be replaced. The City requested additional opinions from two other HVAC vendors which confirmed this finding. Three quotes were obtained

with the lowest quote received by Colb Heating and Colling totaling \$3,200. As this is unbudgeted and unanticipated work, staff recommends that Council appropriate the \$3,200 from the contingency budget for this work. The current balance of the contingency is \$68,818 (to date \$31,182 has been appropriated for the City Manager search, contractual police education and fire vehicle repairs).

Motion to approve contract made by Cindy Wade, 2<sup>nd</sup> Karen White. Vote 3-0

**RESOLUTION – Supplemental Agenda**

**6. Budget Items**

During the March 22<sup>nd</sup> Finance/Budget Committee meeting, Council members present discussed a list of budget items submitted by Councilmembers to determine which items should be removed from the list or discussed further. None of the six items listed were removed from the list. The Committee has completed discussions regarding the special event policy and Mayor/City Council salary. Over the next two Committee meetings the remaining items will be listed on the agenda for further discussion and deliberation.

- **Fire Department**

Is the City satisfied with the current level of service?

Ted indicated that the Manager’s office is recommending the staffing level remain the same. Received recent insurance report that indicates ISO rating level of 64.55%. Last time analysis was done in 2005, the rating was 64.43%. No change in class. Chief Marentette disagrees with analysis since report shows that service down 16% from 2005 and only other offsets made by the City kept the ISO rating consistent.



**APPENDIX D (Continued)**  
**FINANCE/BUDGET COMMITTEE**

David Whitcomb pointed out that we have not increased interior qualified volunteer firefighters as we hoped. Would like to see the City look into a more regional approach and get the County involved. County “Mutual Aid Agreement” was described by Victor Fire Chief.

No action by Committee, however Chief Marentette jumped up to state that while he takes direction from the City Manager the Council needs to know that the Fire Dept. current staffing is not initially capable of handling a small fire at the Pinnacle North – need to know to make informed decision. One issue is the developer did not have to install a fire pump under NYS building code b/c the City has the required fire apparatus. Council expressed interest in making it a condition for future phases.

Chief indicated he would want to hire 4 more paid firefighters. Ted indicated the City does not have the estimated \$500,000 more each year.

No action.

- **Police Department**

Should the City consider the elimination of the Police Department?

Ted’s recommendation is to maintain the current staffing with no change in the number of personnel. Chief would want more officers too but recognizes that the funding is not available. He may reorganize the department as Sergeants retire and replace with Patrol Officers. Chief Hedworth just wants to reiterate the importance of a local police force and advocate for the maintenance of the City Police Department. Council needs to decide what it wants for a police service and understand the process needs to be discussed but it also has bad impact on morale to continually discuss eliminating jobs.

No desire by any council members to eliminate or reduce staff.

No action.

Meeting Adjourned @ 9:10 PM

**APPENDIX E**  
**CANANDAIGUA CHARTER COMMITTEE REVIEW**  
**Wednesday, August 17, 2016**  
**6:00 p.m.**  
**Hurley Building Conference Room**

**Members Present:** Paul Bringewatt, Chair; John Goodwin, Secretary; Thomas Lyons, Vice-Chair; Jim Irwin; Jack Chambers; Jadon Hoffman; Bob Palumbo; David Whitcomb; Karen White

**Members Absent:** Matt Martin; Nick Cutri

**Advisors Present:** Michele Smith; Ted Andrzejewski

**1. Approval of Minutes from July 20, 2016 meeting**

- a. Motion made by David Whitcomb, seconded by Jim Irwin. Approved by 9-0 vote.

**2. Administrative Information**

- a. No report.

**3. Review of Chapter 4. Administrative Organization**

**a. §4.2 Departmental Organization**

- i. The Department of Parks and Recreation exists in the Charter only and is currently acting as a bureau of the Department of Public Works. *The Commission voted 9-0 to remove the Department of Parks and Recreation of the list and add it to the Department of Public Works as a bureau. Michele Smith and John Goodwin will draft language to add to Chapter 8.*
- ii. It was noted that Director of Planning and Zoning is a Department Head without a Department listed in the Charter. *The Commission voted 9-0 to add a Department of Planning and Zoning. Michele Smith and John Goodwin will draft language for the new Department.*
- iii. The Commission, upon request of the Mayor, discussed that Board of Assessment Review is an independent body, but listed under the Department of Assessment and not a Department. Both the Planning Commission and the Zoning Board of Appeals are listed as separate Departments.

**4. Review of Chapter 5. Manager**

- a. The Commission discussed the Council-Manager form of government. The Commission concluded that the continuation of the Council-Manager form of government was in the best interest of the City.

**b. §5.1 Appointment; Compensation; Qualifications**

- i. There was a discussion concerning residency requirements for the City Manager and Department Heads. There was a general consensus that the City Manager and the Department Heads should live within the City; however, there should be the flexibility to provide for exceptions. The last sentence of §5.1 provides the City Council such flexibility for the City Manager. *The Commission voted 7-2 (Karen White and Jack Chambers dissenting) to leave the section unchanged.*

**c. §5.3 Acting City Manager**

- i. After reviewing and discussing the section, the Commission felt that duplicative language could be removed.
- ii. **The Commission voted 9-0 to change the section as follows: “By letter filed with the City Clerk/Treasurer, the City Manager shall designate ~~subject to approval of the City Council~~, a qualified City employee to exercise the power and perform the duties of the City Manager during the Manager’s temporary absence or disability. The City Council may revoke such designation at any time and appoint another qualified individual to serve until the City Manager returns.”**

**d. §5.4 Manager, Powers and Duties**

- i. After reviewing and discussing the section, the Commission felt that duplicative language could be removed in relation to City Manager reporting as the Budget Message effectively acts as an annual report.
- ii. **The Commission voted 9-0 to change (l) to the following: “Keep the City Council advised of the financial condition of the City; make reports to the City Council as requested by it; and at least once a year make an annual report to City Council and the citizens on the administration of the City government.”**

**5. Follow-up Discussion to Chapter 3. The City Council**

- a. Michele Smith presented a draft of Chapter 3 that included changes based on the discussions of the Commission at its July 20, 2016 meeting.
- b. The draft also included staggered terms, so the Commission could review and discuss a staggered term structure.
- c. **The Commission voted 8-1 (Karen White dissenting) in favor of staggered terms.** The Commission remained divided on whether the Mayor would be elected with ward representatives or at-large representatives. After a 4-4 vote with 1 abstention, the issue was tabled for later discussion.

**6. Future Meeting Schedule**

- a. The future meeting schedule set with the following dates:
  - i. Wednesday, September 14, 2016
  - ii. Wednesday, September 21, 2016
  - iii. Wednesday, October 12, 2016
  - iv. Thursday, October 27, 2016
  - v. Wednesday, December 14, 2016

**7. Other**

- a. **Karen White asked for clarification on the Commission’s vote regarding term limits and Councilmember attendance requirements.**
  - i. At the July 20, 2016 meeting the Commission voted 8-0 against term limits.
  - ii. The discussion concerning mechanisms to remove a Councilmember was tabled at the July 20, 2016 meeting.

**8. Adjourn**

- a. The meeting adjourned at 7:50 PM